

Calendar No. 119

117TH CONGRESS
1ST SESSION**S. 2670**

To provide for redistricting reform, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, AUGUST 5), 2021

Mr. SCHUMER introduced the following bill; which was read the first time

AUGUST 7, 2021

Read the second time and placed on the calendar

A BILL

To provide for redistricting reform, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Redistricting Reform
5 Act of 2021”.

6 **SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.**

7 Congress finds that it has the authority to establish
8 the terms and conditions States must follow in carrying

1 out congressional redistricting after an apportionment of
 2 Members of the House of Representatives because—

3 (1) the authority granted to Congress under ar-
 4 ticle I, section 4 of the Constitution of the United
 5 States gives Congress the power to enact laws gov-
 6 erning the time, place, and manner of elections for
 7 Members of the House of Representatives; and

8 (2) the authority granted to Congress under
 9 section 5 of the 14th amendment to the Constitution
 10 gives Congress the power to enact laws to enforce
 11 section 2 of such amendment, which requires Rep-
 12 resentatives to be apportioned among the several
 13 States according to their number.

14 **TITLE I—REQUIREMENTS FOR** 15 **CONGRESSIONAL REDIS-** 16 **TRICTING**

17 **SEC. 101. REQUIRING CONGRESSIONAL REDISTRICTING TO** 18 **BE CONDUCTED THROUGH PLAN OF INDE-** 19 **PENDENT STATE COMMISSION.**

20 (a) **USE OF PLAN REQUIRED.**—Notwithstanding any
 21 other provision of law, and except as provided in sub-
 22 section (c), any congressional redistricting conducted by
 23 a State shall be conducted in accordance with—

24 (1) the redistricting plan developed and enacted
 25 into law by the independent redistricting commission

1 established in the State, in accordance with title II;
2 or

3 (2) if a plan developed by such commission is
4 not enacted into law, the redistricting plan developed
5 and enacted into law by a 3-judge court, in accord-
6 ance with section 301.

7 (b) CONFORMING AMENDMENT.—Section 22(c) of
8 the Act entitled “An Act to provide for the fifteenth and
9 subsequent decennial censuses and to provide for appor-
10 tionment of Representatives in Congress”, approved June
11 18, 1929 (2 U.S.C. 2a(c)), is amended by striking “in the
12 manner provided by the law thereof” and inserting “in the
13 manner provided by the Redistricting Reform Act of
14 2021”.

15 (c) SPECIAL RULE FOR EXISTING COMMISSIONS.—
16 Subsection (a) does not apply to any State in which, under
17 law in effect continuously on and after the date of the
18 enactment of this Act, congressional redistricting is car-
19 ried out in accordance with a plan developed and approved
20 by an independent redistricting commission that is in com-
21 pliance with each of the following requirements:

22 (1) PUBLICLY AVAILABLE APPLICATION PROC-
23 ESS.—Membership on the commission is open to citi-
24 zens of the State through a publicly available appli-
25 cation process.

1 (2) DISQUALIFICATIONS FOR GOVERNMENT
2 SERVICE AND POLITICAL APPOINTMENT.—Individ-
3 uals who, for a covered period of time as established
4 by the State, hold or have held public office, individ-
5 uals who are or have been candidates for elected
6 public office, and individuals who serve or have
7 served as an officer, employee, or paid consultant of
8 a campaign committee of a candidate for public of-
9 fice are disqualified from serving on the commission.

10 (3) SCREENING FOR CONFLICTS.—Individuals
11 who apply to serve on the commission are screened
12 through a process that excludes persons with con-
13 flicts of interest from the pool of potential commis-
14 sioners.

15 (4) MULTI-PARTISAN COMPOSITION.—Member-
16 ship on the commission represents those who are af-
17 filiated with the 2 political parties whose candidates
18 received the most votes in the most recent statewide
19 election for Federal office held in the State, as well
20 as those who are unaffiliated with any party or who
21 are affiliated with political parties other than the 2
22 political parties whose candidates received the most
23 votes in the most recent statewide election for Fed-
24 eral office held in the State.

1 (5) CRITERIA FOR REDISTRICTING.—Members
2 of the commission are required to meet certain cri-
3 teria in the map drawing process, including mini-
4 mizing the division of communities of interest and a
5 ban on drawing maps to favor a political party.

6 (6) PUBLIC INPUT.—Public hearings are held
7 and comments from the public are accepted before
8 a final map is approved.

9 (7) BROAD-BASED SUPPORT FOR APPROVAL OF
10 FINAL PLAN.—The approval of the final redistricting
11 plan requires a majority vote of the members of the
12 commission, including the support of at least one
13 member of each of the following:

14 (A) Members who are affiliated with the
15 political party whose candidate received the
16 most votes in the most recent statewide election
17 for Federal office held in the State.

18 (B) Members who are affiliated with the
19 political party whose candidate received the sec-
20 ond most votes in the most recent statewide
21 election for Federal office held in the State.

22 (C) Members who are not affiliated with
23 any political party or who are affiliated with po-
24 litical parties other than the political parties de-
25 scribed in subparagraphs (A) and (B).

1 (d) TREATMENT OF STATE OF IOWA.—Subsection (a)
 2 does not apply to the State of Iowa, so long as congres-
 3 sional redistricting in such State is carried out in accord-
 4 ance with a plan developed by the Iowa Legislative Serv-
 5 ices Agency with the assistance of a Temporary Redis-
 6 tricting Advisory Commission, under law which was in ef-
 7 fect for the most recent congressional redistricting carried
 8 out in the State prior to the date of the enactment of this
 9 Act and which remains in effect continuously on and after
 10 the date of the enactment of this Act.

11 **SEC. 102. BAN ON MID-DECADE REDISTRICTING.**

12 A State that has been redistricted in accordance with
 13 this Act and a State described in section 101(c) may not
 14 be redistricted again until after the next apportionment
 15 of Representatives under section 22(a) of the Act entitled
 16 “An Act to provide for the fifteenth and subsequent decen-
 17 nial censuses and to provide for an apportionment of Rep-
 18 resentatives in Congress”, approved June 18, 1929 (2
 19 U.S.C. 2a), unless a court requires the State to conduct
 20 such subsequent redistricting to comply with the Constitu-
 21 tion of the United States, the Voting Rights Act of 1965
 22 (52 U.S.C. 10301 et seq.), the Constitution of the State,
 23 or the terms or conditions of this Act.

1 **SEC. 103. CRITERIA FOR REDISTRICTING.**

2 (a) CRITERIA.—Under the redistricting plan of a
3 State, there shall be established single-member congres-
4 sional districts using the following criteria as set forth in
5 the following order of priority:

6 (1) Districts shall comply with the United
7 States Constitution, including the requirement that
8 they equalize total population.

9 (2) Districts shall comply with the Voting
10 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-
11 cluding by creating any districts where two or more
12 politically cohesive groups protected by such Act are
13 able to elect representatives of choice in coalition
14 with one another, and all applicable Federal laws.

15 (3) Districts shall be drawn, to the extent that
16 the totality of the circumstances warrant, to ensure
17 the practical ability of a group protected under the
18 Voting Rights Act of 1965 (52 U.S.C. 10301 et
19 seq.) to participate in the political process and to
20 nominate candidates and to elect representatives of
21 choice is not diluted or diminished, regardless of
22 whether or not such protected group constitutes a
23 majority of a district's citizen voting age population.

24 (4) Districts shall respect communities of inter-
25 est, neighborhoods, and political subdivisions to the
26 extent practicable and after compliance with the re-

1 requirements of paragraphs (1) through (3). A com-
 2 munity of interest is defined as an area with recog-
 3 nized similarities of interests, including ethnic, ra-
 4 cial, economic, tribal, social, cultural, geographic or
 5 historic identities. The term communities of interest
 6 may, in certain circumstances, include political sub-
 7 divisions such as counties, municipalities, tribal
 8 lands and reservations, or school districts, but shall
 9 not include common relationships with political par-
 10 ties or political candidates.

11 (b) NO FAVORING OR DISFAVORING OF POLITICAL
 12 PARTIES.—

13 (1) PROHIBITION.—The redistricting plan en-
 14 acted by a State shall not, when considered on a
 15 Statewide basis, be drawn with the intent or the ef-
 16 fect of unduly favoring or disfavoring any political
 17 party.

18 (2) DETERMINATION OF EFFECT.—

19 (A) TOTALITY OF CIRCUMSTANCES.—For
 20 purposes of paragraph (1), the determination of
 21 whether a redistricting plan has the effect of
 22 unduly favoring or disfavoring a political party
 23 shall be based on the totality of circumstances,
 24 including evidence regarding the durability and
 25 severity of a plan's partisan bias.

1 (B) PLANS DEEMED TO HAVE EFFECT OF
2 UNDULY FAVORING OR DISFAVORING A POLIT-
3 ICAL PARTY.—Without limiting other ways in
4 which a redistricting plan may be determined to
5 have the effect of unduly favoring or disfavoring
6 a political party under the totality of cir-
7 cumstances under subparagraph (A), a redis-
8 tricting plan shall be deemed to have the effect
9 of unduly favoring or disfavoring a political
10 party if—

11 (i) modeling based on relevant histor-
12 ical voting patterns shows that the plan is
13 statistically likely to result in a partisan
14 bias of more than one seat in States with
15 20 or fewer congressional districts or a
16 partisan bias of more than 2 seats in
17 States with more than 20 congressional
18 districts, as determined using quantitative
19 measures of partisan fairness, which may
20 include, but are not limited to, the seats-
21 to-votes curve for an enacted plan, the effi-
22 ciency gap, the declination, partisan asym-
23 metry, and the mean-median difference;
24 and

1 (ii) alternative plans, which may in-
 2 clude, but are not limited to, those gen-
 3 erated by redistricting algorithms, exist
 4 that could have complied with the require-
 5 ments of law and not been in violation of
 6 paragraph (1).

7 (3) DETERMINATION OF INTENT.—For pur-
 8 poses of paragraph (1), a rebuttable presumption
 9 shall exist that a redistricting plan enacted by the
 10 legislature of a State was not enacted with the in-
 11 tent of unduly favoring or disfavoring a political
 12 party if the plan was enacted with the support of at
 13 least a third of the members of the second largest
 14 political party in each house of the legislature.

15 (4) NO VIOLATION BASED ON CERTAIN CRI-
 16 TERIA.—No redistricting plan shall be found to be
 17 in violation of paragraph (1) because of partisan
 18 bias attributable to the application of the criteria set
 19 forth in paragraphs (1), (2), or (3) of subsection (a),
 20 unless one or more alternative plans could have com-
 21 plied with such paragraphs without having the effect
 22 of unduly favoring or disfavoring a political party.

23 (c) FACTORS PROHIBITED FROM CONSIDERATION.—
 24 In developing the redistricting plan for the State, the inde-
 25 pendent redistricting commission may not take into con-

1 sideration any of the following factors, except as necessary
 2 to comply with the criteria described in paragraphs (1)
 3 through (3) of subsection (a), to achieve partisan fairness
 4 and comply with subsection (b), and to enable the redis-
 5 tricting plan to be measured against the external metrics
 6 described in section 203(d):

7 (1) The residence of any Member of the House
 8 of Representatives or candidate.

9 (2) The political party affiliation or voting his-
 10 tory of the population of a district.

11 (d) APPLICABILITY.—This section applies to any au-
 12 thority, whether appointed, elected, judicial, or otherwise,
 13 that designs or enacts a congressional redistricting plan
 14 of a State.

15 (e) SEVERABILITY OF CRITERIA.—If any of the cri-
 16 teria set forth in this section, or the application of such
 17 criteria to any person or circumstance, is held to be uncon-
 18 stitutional, the remaining criteria set forth in this section,
 19 and the application of such criteria to any person or cir-
 20 cumstance, shall not be affected by the holding.

21 **TITLE II—INDEPENDENT** 22 **REDISTRICTING COMMISSIONS**

23 **SEC. 201. INDEPENDENT REDISTRICTING COMMISSION.**

24 (a) APPOINTMENT OF MEMBERS.—

1 (1) IN GENERAL.—The nonpartisan agency es-
2 tablished or designated by a State under section
3 204(a) shall establish an independent redistricting
4 commission for the State, which shall consist of 15
5 members appointed by the agency as follows:

6 (A) Not later than October 1 of a year
7 ending in the numeral zero, the agency shall, at
8 a public meeting held not earlier than 15 days
9 after notice of the meeting has been given to
10 the public, first appoint 6 members as follows:

11 (i) The agency shall appoint 2 mem-
12 bers on a random basis from the majority
13 category of the approved selection pool (as
14 described in section 202(b)(1)(A)).

15 (ii) The agency shall appoint 2 mem-
16 bers on a random basis from the minority
17 category of the approved selection pool (as
18 described in section 202(b)(1)(B)).

19 (iii) The agency shall appoint 2 mem-
20 bers on a random basis from the inde-
21 pendent category of the approved selection
22 pool (as described in section 202(b)(1)(C)).

23 (B) Not later than November 15 of a year
24 ending in the numeral zero, the members ap-
25 pointed by the agency under subparagraph (A)

shall, at a public meeting held not earlier than 15 days after notice of the meeting has been given to the public, then appoint 9 members as follows:

(i) The members shall appoint 3 members from the majority category of the approved selection pool (as described in section 202(b)(1)(A)).

(ii) The members shall appoint 3 members from the minority category of the approved selection pool (as described in section 202(b)(1)(B)).

(iii) The members shall appoint 3 members from the independent category of the approved selection pool (as described in section 202(b)(1)(C)).

(2) RULES FOR APPOINTMENT OF MEMBERS APPOINTED BY FIRST MEMBERS.—

(A) AFFIRMATIVE VOTE OF AT LEAST 4 MEMBERS.—The appointment of any of the 9 members of the independent redistricting commission who are appointed by the first members of the commission pursuant to subparagraph (B) of paragraph (1), as well as the designation of alternates for such members pursuant to

1 subparagraph (B) of paragraph (3) and the ap-
2 pointment of alternates to fill vacancies pursu-
3 ant to subparagraph (B) of paragraph (4), shall
4 require the affirmative vote of at least 4 of the
5 members appointed by the nonpartisan agency
6 under subparagraph (A) of paragraph (1), in-
7 cluding at least one member from each of the
8 categories referred to in such subparagraph.

9 (B) ENSURING DIVERSITY.—In appointing
10 the 9 members pursuant to subparagraph (B)
11 of paragraph (1), as well as in designating al-
12 ternates pursuant to subparagraph (B) of para-
13 graph (3) and in appointing alternates to fill
14 vacancies pursuant to subparagraph (B) of
15 paragraph (4), the first members of the inde-
16 pendent redistricting commission shall ensure
17 that the membership is representative of the de-
18 mographic groups (including racial, ethnic, eco-
19 nomic, and gender) and geographic regions of
20 the State, and provides racial, ethnic, and lan-
21 guage minorities protected under the Voting
22 Rights Act of 1965 with a meaningful oppor-
23 tunity to participate in the development of the
24 State’s redistricting plan.

1 (3) DESIGNATION OF ALTERNATES TO SERVE
2 IN CASE OF VACANCIES.—

3 (A) MEMBERS APPOINTED BY AGENCY.—

4 At the time the agency appoints the members
5 of the independent redistricting commission
6 under subparagraph (A) of paragraph (1) from
7 each of the categories referred to in such sub-
8 paragraph, the agency shall, on a random basis,
9 designate 2 other individuals from such cat-
10 egory to serve as alternate members who may
11 be appointed to fill vacancies in the commission
12 in accordance with paragraph (4).

13 (B) MEMBERS APPOINTED BY FIRST MEM-
14 BERS.—At the time the members appointed by
15 the agency appoint the other members of the
16 independent redistricting commission under
17 subparagraph (B) of paragraph (1) from each
18 of the categories referred to in such subpara-
19 graph, the members shall, in accordance with
20 the special rules described in paragraph (2),
21 designate 2 other individuals from such cat-
22 egory to serve as alternate members who may
23 be appointed to fill vacancies in the commission
24 in accordance with paragraph (4).

1 (4) APPOINTMENT OF ALTERNATES TO SERVE
2 IN CASE OF VACANCIES.—

3 (A) MEMBERS APPOINTED BY AGENCY.—If
4 a vacancy occurs in the commission with respect
5 to a member who was appointed by the non-
6 partisan agency under subparagraph (A) of
7 paragraph (1) from one of the categories re-
8 ferred to in such subparagraph, the agency
9 shall fill the vacancy by appointing, on a ran-
10 dom basis, one of the 2 alternates from such
11 category who was designated under subpara-
12 graph (A) of paragraph (3). At the time the
13 agency appoints an alternate to fill a vacancy
14 under the previous sentence, the agency shall
15 designate, on a random basis, another indi-
16 vidual from the same category to serve as an al-
17 ternate member, in accordance with subpara-
18 graph (A) of paragraph (3).

19 (B) MEMBERS APPOINTED BY FIRST MEM-
20 BERS.—If a vacancy occurs in the commission
21 with respect to a member who was appointed by
22 the first members of the commission under sub-
23 paragraph (B) of paragraph (1) from one of the
24 categories referred to in such subparagraph, the
25 first members shall, in accordance with the spe-

1 cial rules described in paragraph (2), fill the va-
 2 cancy by appointing one of the 2 alternates
 3 from such category who was designated under
 4 subparagraph (B) of paragraph (3). At the time
 5 the first members appoint an alternate to fill a
 6 vacancy under the previous sentence, the first
 7 members shall, in accordance with the special
 8 rules described in paragraph (2), designate an-
 9 other individual from the same category to
 10 serve as an alternate member, in accordance
 11 with subparagraph (B) of paragraph (3).

12 (5) REMOVAL.—A member of the independent
 13 redistricting commission may be removed by a ma-
 14 jority vote of the remaining members of the commis-
 15 sion if it is shown by a preponderance of the evi-
 16 dence that the member is not eligible to serve on the
 17 commission under section 202(a).

18 (b) PROCEDURES FOR CONDUCTING COMMISSION
 19 BUSINESS.—

20 (1) CHAIR.—Members of an independent redis-
 21 tricting commission established under this section
 22 shall select by majority vote one member who was
 23 appointed from the independent category of the ap-
 24 proved selection pool described in section
 25 202(b)(1)(C) to serve as chair of the commission.

1 The commission may not take any action to develop
 2 a redistricting plan for the State under section 203
 3 until the appointment of the commission's chair.

4 (2) REQUIRING MAJORITY APPROVAL FOR AC-
 5 TIONS.—The independent redistricting commission
 6 of a State may not publish and disseminate any
 7 draft or final redistricting plan, or take any other
 8 action, without the approval of at least—

9 (A) a majority of the whole membership of
 10 the commission; and

11 (B) at least one member of the commission
 12 appointed from each of the categories of the ap-
 13 proved selection pool described in section
 14 202(b)(1).

15 (3) QUORUM.—A majority of the members of
 16 the commission shall constitute a quorum.

17 (c) STAFF; CONTRACTORS.—

18 (1) STAFF.—Under a public application process
 19 in which all application materials are available for
 20 public inspection, the independent redistricting com-
 21 mission of a State shall appoint and set the pay of
 22 technical experts, legal counsel, consultants, and
 23 such other staff as it considers appropriate, subject
 24 to State law.

1 (2) CONTRACTORS.—The independent redistricting
 2 commission of a State may enter into such
 3 contracts with vendors as it considers appropriate,
 4 subject to State law, except that any such contract
 5 shall be valid only if approved by the vote of a ma-
 6 jority of the members of the commission, including
 7 at least one member appointed from each of the cat-
 8 egories of the approved selection pool described in
 9 section 202(b)(1).

10 (3) REPORTS ON EXPENDITURES FOR POLIT-
 11 ICAL ACTIVITY.—

12 (A) REPORT BY APPLICANTS.—Each indi-
 13 vidual who applies for a position as an employee
 14 of the independent redistricting commission and
 15 each vendor who applies for a contract with the
 16 commission shall, at the time of applying, file
 17 with the commission a report summarizing—

18 (i) any expenditure for political activ-
 19 ity made by such individual or vendor dur-
 20 ing the 10 most recent calendar years; and

21 (ii) any income received by such indi-
 22 vidual or vendor during the 10 most recent
 23 calendar years which is attributable to an
 24 expenditure for political activity.

1 (B) ANNUAL REPORTS BY EMPLOYEES

2 AND VENDORS.—Each person who is an em-
3 ployee or vendor of the independent redis-
4 tricting commission shall, not later than one
5 year after the person is appointed as an em-
6 ployee or enters into a contract as a vendor (as
7 the case may be) and annually thereafter for
8 each year during which the person serves as an
9 employee or a vendor, file with the commission
10 a report summarizing the expenditures and in-
11 come described in subparagraph (A) during the
12 10 most recent calendar years.

13 (C) EXPENDITURE FOR POLITICAL ACTIV-

14 ITY DEFINED.—In this paragraph, the term
15 “expenditure for political activity” means a dis-
16 bursement for any of the following:

17 (i) An independent expenditure, as de-
18 fined in section 301(17) of the Federal
19 Election Campaign Act of 1971 (52 U.S.C.
20 30101(17)).

21 (ii) An electioneering communication,
22 as defined in section 304(f)(3) of such Act
23 (52 U.S.C. 30104(f)(3)) or any other pub-
24 lic communication, as defined in section
25 301(22) of such Act (52 U.S.C.

1 30101(22)) that would be an electioneering
2 communication if it were a broadcast,
3 cable, or satellite communication.

4 (iii) Any dues or other payments to
5 trade associations or organizations de-
6 scribed in section 501(c) of the Internal
7 Revenue Code of 1986 and exempt from
8 tax under section 501(a) of such Code that
9 are, or could reasonably be anticipated to
10 be, used or transferred to another associa-
11 tion or organization for a use described in
12 paragraph (1), (2), or (4) of section 501(c)
13 of such Code.

14 (4) GOAL OF IMPARTIALITY.—The commission
15 shall take such steps as it considers appropriate to
16 ensure that any staff appointed under this sub-
17 section, and any vendor with whom the commission
18 enters into a contract under this subsection, will
19 work in an impartial manner, and may require any
20 person who applies for an appointment to a staff po-
21 sition or for a vendor's contract with the commission
22 to provide information on the person's history of po-
23 litical activity beyond the information on the per-
24 son's expenditures for political activity provided in
25 the reports required under paragraph (3) (including

1 donations to candidates, political committees, and
 2 political parties) as a condition of the appointment
 3 or the contract.

4 (5) DISQUALIFICATION; WAIVER.—

5 (A) IN GENERAL.—The independent redis-
 6 tricting commission may not appoint an indi-
 7 vidual as an employee, and may not enter into
 8 a contract with a vendor, if the individual or
 9 vendor meets any of the criteria for the dis-
 10 qualification of an individual from serving as a
 11 member of the commission which are set forth
 12 in section 202(a)(2).

13 (B) WAIVER.—The commission may by
 14 unanimous vote of its members waive the appli-
 15 cation of subparagraph (A) to an individual or
 16 a vendor after receiving and reviewing the re-
 17 port filed by the individual or vendor under
 18 paragraph (3).

19 (d) TERMINATION.—

20 (1) IN GENERAL.—The independent redis-
 21 tricting commission of a State shall terminate on the
 22 earlier of—

23 (A) June 14 of the next year ending in the
 24 numeral zero; or

(B) the day on which the nonpartisan agency established or designated by a State under section 204(a) has, in accordance with section 202(b)(1), submitted a selection pool to the Select Committee on Redistricting for the State established under section 204(b).

(2) PRESERVATION OF RECORDS.—The State shall ensure that the records of the independent redistricting commission are retained in the appropriate State archive in such manner as may be necessary to enable the State to respond to any civil action brought with respect to congressional redistricting in the State.

SEC. 202. ESTABLISHMENT OF SELECTION POOL OF INDIVIDUALS ELIGIBLE TO SERVE AS MEMBERS OF COMMISSION.

(a) CRITERIA FOR ELIGIBILITY.—

(1) IN GENERAL.—An individual is eligible to serve as a member of an independent redistricting commission if the individual meets each of the following criteria:

(A) As of the date of appointment, the individual is registered to vote in elections for Federal office held in the State.

1 (B) During the 3-year period ending on
2 the date of the individual's appointment, the in-
3 dividual has been continuously registered to
4 vote with the same political party, or has not
5 been registered to vote with any political party.

6 (C) The individual submits to the non-
7 partisan agency established or designated by a
8 State under section 204, at such time and in
9 such form as the agency may require, an appli-
10 cation for inclusion in the selection pool under
11 this section, and includes with the application a
12 written statement, with an attestation under
13 penalty of perjury, containing the following in-
14 formation and assurances:

15 (i) The full current name and any
16 former names of, and the contact informa-
17 tion for, the individual, including an elec-
18 tronic mail address, the address of the in-
19 dividual's residence, mailing address, and
20 telephone numbers.

21 (ii) The individual's race, ethnicity,
22 gender, age, date of birth, and household
23 income for the most recent taxable year.

24 (iii) The political party with which the
25 individual is affiliated, if any.

1 (iv) The reason or reasons the indi-
2 vidual desires to serve on the independent
3 redistricting commission, the individual's
4 qualifications, and information relevant to
5 the ability of the individual to be fair and
6 impartial, including—

7 (I) any involvement with, or fi-
8 nancial support of, professional, so-
9 cial, political, religious, or community
10 organizations or causes; and

11 (II) the individual's employment
12 and educational history.

13 (v) An assurance that the individual
14 shall commit to carrying out the individ-
15 ual's duties under this Act in an honest,
16 independent, and impartial fashion, and to
17 upholding public confidence in the integrity
18 of the redistricting process.

19 (vi) An assurance that, during the
20 covered periods described in paragraph (3),
21 the individual has not taken and will not
22 take any action which would disqualify the
23 individual from serving as a member of the
24 commission under paragraph (2).

1 (2) DISQUALIFICATIONS.—An individual is not
2 eligible to serve as a member of the commission if
3 any of the following applies during any of the cov-
4 ered periods described in paragraph (3):

5 (A) The individual or (in the case of the
6 covered periods described in subparagraphs (A)
7 and (B) of paragraph (3)) an immediate family
8 member of the individual holds public office or
9 is a candidate for election for public office.

10 (B) The individual or (in the case of the
11 covered periods described in subparagraphs (A)
12 and (B) of paragraph (3)) an immediate family
13 member of the individual serves as an officer of
14 a political party or as an officer, employee, or
15 paid consultant of a campaign committee of a
16 candidate for public office or of any political ac-
17 tion committee (as determined in accordance
18 with the law of the State).

19 (C) The individual or (in the case of the
20 covered periods described in subparagraphs (A)
21 and (B) of paragraph (3)) an immediate family
22 member of the individual holds a position as a
23 registered lobbyist under the Lobbying Disclo-
24 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
25 equivalent State or local law.

1 (D) The individual or (in the case of the
2 covered periods described in subparagraphs (A)
3 and (B) of paragraph (3)) an immediate family
4 member of the individual is an employee of an
5 elected public official, a contractor with the gov-
6 ernment of the State, or a donor to the cam-
7 paign of any candidate for public office or to
8 any political action committee (other than a
9 donor who, during any of such covered periods,
10 gives an aggregate amount of \$1,000 or less to
11 the campaigns of all candidates for all public
12 offices and to all political action committees).

13 (E) The individual paid a civil money pen-
14 alty or criminal fine, or was sentenced to a
15 term of imprisonment, for violating any provi-
16 sion of the Federal Election Campaign Act of
17 1971 (52 U.S.C. 30101 et seq.).

18 (F) The individual or (in the case of the
19 covered periods described in subparagraphs (A)
20 and (B) of paragraph (3)) an immediate family
21 member of the individual is an agent of a for-
22 eign principal under the Foreign Agents Reg-
23 istration Act of 1938 (22 U.S.C. 611 et seq.).

24 (3) COVERED PERIODS DESCRIBED.—In this
25 subsection, the term “covered period” means, with

1 respect to the appointment of an individual to the
2 commission, any of the following:

3 (A) The 10-year period ending on the date
4 of the individual's appointment.

5 (B) The period beginning on the date of
6 the individual's appointment and ending on Au-
7 gust 14 of the next year ending in the numeral
8 one.

9 (C) The 10-year period beginning on the
10 day after the last day of the period described in
11 subparagraph (B).

12 (4) IMMEDIATE FAMILY MEMBER DEFINED.—In
13 this subsection, the term “immediate family mem-
14 ber” means, with respect to an individual, a father,
15 stepfather, mother, stepmother, son, stepson, daugh-
16 ter, stepdaughter, brother, stepbrother, sister, step-
17 sister, husband, wife, father-in-law, or mother-in-
18 law.

19 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
20 POOL.—

21 (1) IN GENERAL.—Not later than June 15 of
22 each year ending in the numeral zero, the non-
23 partisan agency established or designated by a State
24 under section 204(a) shall develop and submit to the
25 Select Committee on Redistricting for the State es-

1 tablished under section 204(b) a selection pool of 36
 2 individuals who are eligible to serve as members of
 3 the independent redistricting commission of the
 4 State under this Act, consisting of individuals in the
 5 following categories:

6 (A) A majority category, consisting of 12
 7 individuals who are affiliated with the political
 8 party whose candidate received the most votes
 9 in the most recent statewide election for Fed-
 10 eral office held in the State.

11 (B) A minority category, consisting of 12
 12 individuals who are affiliated with the political
 13 party whose candidate received the second most
 14 votes in the most recent statewide election for
 15 Federal office held in the State.

16 (C) An independent category, consisting of
 17 12 individuals who are not affiliated with either
 18 of the political parties described in subpara-
 19 graph (A) or subparagraph (B).

20 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
 21 OPING POOL.—In selecting individuals for the selec-
 22 tion pool under this subsection, the nonpartisan
 23 agency shall—

24 (A) ensure that the pool is representative
 25 of the demographic groups (including racial,

1 ethnic, economic, and gender) and geographic
 2 regions of the State, and includes applicants
 3 who would allow racial, ethnic, and language
 4 minorities protected under the Voting Rights
 5 Act of 1965 a meaningful opportunity to par-
 6 ticipate in the development of the State's redis-
 7 tricting plan; and

8 (B) take into consideration the analytical
 9 skills of the individuals selected in relevant
 10 fields (including mapping, data management,
 11 law, community outreach, demography, and the
 12 geography of the State) and their ability to
 13 work on an impartial basis.

14 (3) INTERVIEWS OF APPLICANTS.—To assist
 15 the nonpartisan agency in developing the selection
 16 pool under this subsection, the nonpartisan agency
 17 shall conduct interviews of applicants under oath. If
 18 an individual is included in a selection pool devel-
 19 oped under this section, all of the interviews of the
 20 individual shall be transcribed and the transcriptions
 21 made available on the nonpartisan agency's website
 22 contemporaneously with release of the report under
 23 paragraph (6).

24 (4) DETERMINATION OF POLITICAL PARTY AF-
 25 FILIATION OF INDIVIDUALS IN SELECTION POOL.—

1 For purposes of this section, an individual shall be
2 considered to be affiliated with a political party only
3 if the nonpartisan agency is able to verify (to the
4 greatest extent possible) the information the indi-
5 vidual provides in the application submitted under
6 subsection (a)(1)(C), including by considering addi-
7 tional information provided by other persons with
8 knowledge of the individual's history of political ac-
9 tivity.

10 (5) ENCOURAGING RESIDENTS TO APPLY FOR
11 INCLUSION IN POOL.—The nonpartisan agency shall
12 take such steps as may be necessary to ensure that
13 residents of the State across various geographic re-
14 gions and demographic groups are aware of the op-
15 portunity to serve on the independent redistricting
16 commission, including publicizing the role of the
17 panel and using newspapers, broadcast media, and
18 online sources, including ethnic media, to encourage
19 individuals to apply for inclusion in the selection
20 pool developed under this subsection.

21 (6) REPORT ON ESTABLISHMENT OF SELEC-
22 TION POOL.—At the time the nonpartisan agency
23 submits the selection pool to the Select Committee
24 on Redistricting under paragraph (1), it shall pub-
25 lish and post on the agency's public website a report

1 describing the process by which the pool was devel-
 2 oped, and shall include in the report a description of
 3 how the individuals in the pool meet the eligibility
 4 criteria of subsection (a) and of how the pool reflects
 5 the factors the agency is required to take into con-
 6 sideration under paragraph (2).

7 (7) PUBLIC COMMENT ON SELECTION POOL.—
 8 During the 14-day period which begins on the date
 9 the nonpartisan agency publishes the report under
 10 paragraph (6), the agency shall accept comments
 11 from the public on the individuals included in the se-
 12 lection pool. The agency shall post all such com-
 13 ments contemporaneously on the nonpartisan agen-
 14 cy's website and shall transmit them to the Select
 15 Committee on Redistricting immediately upon the
 16 expiration of such period.

17 (8) ACTION BY SELECT COMMITTEE.—

18 (A) IN GENERAL.—Not earlier than 15
 19 days and not later than 21 days after receiving
 20 the selection pool from the nonpartisan agency
 21 under paragraph (1), the Select Committee on
 22 Redistricting shall, by majority vote—

23 (i) approve the pool as submitted by
 24 the nonpartisan agency, in which case the
 25 pool shall be considered the approved selec-

1 tion pool for purposes of section 201(a)(1);
 2 or

3 (ii) reject the pool, in which case the
 4 nonpartisan agency shall develop and sub-
 5 mit a replacement selection pool in accord-
 6 ance with subsection (c).

7 (B) INACTION DEEMED REJECTION.—If
 8 the Select Committee on Redistricting fails to
 9 approve or reject the pool within the deadline
 10 set forth in subparagraph (A), the Select Com-
 11 mittee shall be deemed to have rejected the pool
 12 for purposes of such subparagraph.

13 (c) DEVELOPMENT OF REPLACEMENT SELECTION
 14 POOL.—

15 (1) IN GENERAL.—If the Select Committee on
 16 Redistricting rejects the selection pool submitted by
 17 the nonpartisan agency under subsection (b), not
 18 later than 14 days after the rejection, the non-
 19 partisan agency shall develop and submit to the Se-
 20 lect Committee a replacement selection pool, under
 21 the same terms and conditions that applied to the
 22 development and submission of the selection pool
 23 under paragraphs (1) through (7) of subsection (b).
 24 The replacement pool submitted under this para-
 25 graph may include individuals who were included in

1 the rejected selection pool submitted under sub-
2 section (b), so long as at least one of the individuals
3 in the replacement pool was not included in such re-
4 jected pool.

5 (2) ACTION BY SELECT COMMITTEE.—

6 (A) IN GENERAL.—Not later than 21 days
7 after receiving the replacement selection pool
8 from the nonpartisan agency under paragraph
9 (1), the Select Committee on Redistricting
10 shall, by majority vote—

11 (i) approve the pool as submitted by
12 the nonpartisan agency, in which case the
13 pool shall be considered the approved selec-
14 tion pool for purposes of section 201(a)(1);
15 or

16 (ii) reject the pool, in which case the
17 nonpartisan agency shall develop and sub-
18 mit a second replacement selection pool in
19 accordance with subsection (d).

20 (B) INACTION DEEMED REJECTION.—If
21 the Select Committee on Redistricting fails to
22 approve or reject the pool within the deadline
23 set forth in subparagraph (A), the Select Com-
24 mittee shall be deemed to have rejected the pool
25 for purposes of such subparagraph.

1 (d) DEVELOPMENT OF SECOND REPLACEMENT SE-
2 LECTION POOL.—

3 (1) IN GENERAL.—If the Select Committee on
4 Redistricting rejects the replacement selection pool
5 submitted by the nonpartisan agency under sub-
6 section (c), not later than 14 days after the rejec-
7 tion, the nonpartisan agency shall develop and sub-
8 mit to the Select Committee a second replacement
9 selection pool, under the same terms and conditions
10 that applied to the development and submission of
11 the selection pool under paragraphs (1) through (7)
12 of subsection (b). The second replacement selection
13 pool submitted under this paragraph may include in-
14 dividuals who were included in the rejected selection
15 pool submitted under subsection (b) or the rejected
16 replacement selection pool submitted under sub-
17 section (c), so long as at least one of the individuals
18 in the replacement pool was not included in either
19 such rejected pool.

20 (2) ACTION BY SELECT COMMITTEE.—

21 (A) IN GENERAL.—Not earlier than 15
22 days and not later than 14 days after receiving
23 the second replacement selection pool from the
24 nonpartisan agency under paragraph (1), the

1 Select Committee on Redistricting shall, by ma-
2 jority vote—

3 (i) approve the pool as submitted by
4 the nonpartisan agency, in which case the
5 pool shall be considered the approved selec-
6 tion pool for purposes of section 201(a)(1);
7 or

8 (ii) reject the pool.

9 (B) INACTION DEEMED REJECTION.—If
10 the Select Committee on Redistricting fails to
11 approve or reject the pool within the deadline
12 set forth in subparagraph (A), the Select Com-
13 mittee shall be deemed to have rejected the pool
14 for purposes of such subparagraph.

15 (C) EFFECT OF REJECTION.—If the Select
16 Committee on Redistricting rejects the second
17 replacement pool from the nonpartisan agency
18 under paragraph (1), the redistricting plan for
19 the State shall be developed and enacted in ac-
20 cordance with title III.

21 **SEC. 203. PUBLIC NOTICE AND INPUT.**

22 (a) PUBLIC NOTICE AND INPUT.—

23 (1) USE OF OPEN AND TRANSPARENT PROC-
24 ESS.—The independent redistricting commission of a
25 State shall hold each of its meetings in public, shall

1 solicit and take into consideration comments from
2 the public, including proposed maps, throughout the
3 process of developing the redistricting plan for the
4 State, and shall carry out its duties in an open and
5 transparent manner which provides for the widest
6 public dissemination reasonably possible of its pro-
7 posed and final redistricting plans.

8 (2) WEBSITE.—

9 (A) FEATURES.—The commission shall
10 maintain a public internet site which is not af-
11 filiated with or maintained by the office of any
12 elected official and which includes the following
13 features:

14 (i) General information on the com-
15 mission, its role in the redistricting proc-
16 ess, and its members, including contact in-
17 formation.

18 (ii) An updated schedule of commis-
19 sion hearings and activities, including
20 deadlines for the submission of comments.

21 (iii) All draft redistricting plans devel-
22 oped by the commission under subsection
23 (b) and the final redistricting plan devel-
24 oped under subsection (c), including the

1 accompanying written evaluation under
2 subsection (d).

3 (iv) All comments received from the
4 public on the commission's activities, in-
5 cluding any proposed maps submitted
6 under paragraph (1).

7 (v) Live streaming of commission
8 hearings and an archive of previous meet-
9 ings, including any documents considered
10 at any such meeting, which the commission
11 shall post not later than 24 hours after the
12 conclusion of the meeting.

13 (vi) Access in an easily usable format
14 to the demographic and other data used by
15 the commission to develop and analyze the
16 proposed redistricting plans, together with
17 access to any software used to draw maps
18 of proposed districts and to any reports
19 analyzing and evaluating any such maps.

20 (vii) A method by which members of
21 the public may submit comments and pro-
22 posed maps directly to the commission.

23 (viii) All records of the commission,
24 including all communications to or from

1 members, employees, and contractors re-
2 garding the work of the commission.

3 (ix) A list of all contractors receiving
4 payment from the commission, together
5 with the annual disclosures submitted by
6 the contractors under section 201(c)(3).

7 (x) A list of the names of all individ-
8 uals who submitted applications to serve
9 on the commission, together with the appli-
10 cations submitted by individuals included
11 in any selection pool, except that the com-
12 mission may redact from such applications
13 any financial or other personally sensitive
14 information.

15 (B) SEARCHABLE FORMAT.—The commis-
16 sion shall ensure that all information posted
17 and maintained on the site under this para-
18 graph, including information and proposed
19 maps submitted by the public, shall be main-
20 tained in an easily searchable format.

21 (C) DEADLINE.—The commission shall en-
22 sure that the public internet site under this
23 paragraph is operational (in at least a prelimi-
24 nary format) not later than January 1 of the
25 year ending in the numeral one.

1 (3) PUBLIC COMMENT PERIOD.—The commis-
2 sion shall solicit, accept, and consider comments
3 from the public with respect to its duties, activities,
4 and procedures at any time during the period—

5 (A) which begins on January 1 of the year
6 ending in the numeral one; and

7 (B) which ends 7 days before the date of
8 the meeting at which the commission shall vote
9 on approving the final redistricting plan for en-
10 actment into law under subsection (c)(2).

11 (4) MEETINGS AND HEARINGS IN VARIOUS GEO-
12 GRAPHIC LOCATIONS.—To the greatest extent prac-
13 ticable, the commission shall hold its meetings and
14 hearings in various geographic regions and locations
15 throughout the State.

16 (5) MULTIPLE LANGUAGE REQUIREMENTS FOR
17 ALL NOTICES.—The commission shall make each no-
18 tice which is required to be posted and published
19 under this section available in any language in which
20 the State (or any jurisdiction in the State) is re-
21 quired to provide election materials under section
22 203 of the Voting Rights Act of 1965 (52 U.S.C.
23 10503).

24 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
25 NARY REDISTRICTING PLAN.—

1 (1) IN GENERAL.—Prior to developing and pub-
2 lishing a final redistricting plan under subsection
3 (c), the independent redistricting commission of a
4 State shall develop and publish a preliminary redis-
5 tricting plan.

6 (2) MINIMUM PUBLIC HEARINGS AND OPPOR-
7 TUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

8 (A) 3 HEARINGS REQUIRED.—Prior to de-
9 veloping a preliminary redistricting plan under
10 this subsection, the commission shall hold not
11 fewer than 3 public hearings at which members
12 of the public may provide input and comments
13 regarding the potential contents of redistricting
14 plans for the State and the process by which
15 the commission will develop the preliminary
16 plan under this subsection.

17 (B) MINIMUM PERIOD FOR NOTICE PRIOR
18 TO HEARINGS.—Not fewer than 14 days prior
19 to the date of each hearing held under this
20 paragraph, the commission shall post notices of
21 the hearing on the website maintained under
22 subsection (a)(2), and shall provide for the pub-
23 lication of such notices in newspapers of general
24 circulation throughout the State. Each such no-

1 tice shall specify the date, time, and location of
2 the hearing.

3 (C) SUBMISSION OF PLANS AND MAPS BY
4 MEMBERS OF THE PUBLIC.—Any member of
5 the public may submit maps or portions of
6 maps for consideration by the commission. As
7 provided under subsection (a)(2)(A), any such
8 map shall be made publicly available on the
9 commission’s website and open to comment.

10 (3) PUBLICATION OF PRELIMINARY PLAN.—

11 (A) IN GENERAL.—The commission shall
12 post the preliminary redistricting plan devel-
13 oped under this subsection, together with a re-
14 port that includes the commission’s responses
15 to any public comments received under sub-
16 section (a)(3), on the website maintained under
17 subsection (a)(2), and shall provide for the pub-
18 lication of each such plan in newspapers of gen-
19 eral circulation throughout the State.

20 (B) MINIMUM PERIOD FOR NOTICE PRIOR
21 TO PUBLICATION.—Not fewer than 14 days
22 prior to the date on which the commission posts
23 and publishes the preliminary plan under this
24 paragraph, the commission shall notify the pub-
25 lic through the website maintained under sub-

1 section (a)(2), as well as through publication of
2 notice in newspapers of general circulation
3 throughout the State, of the pending publica-
4 tion of the plan.

5 (4) MINIMUM POST-PUBLICATION PERIOD FOR
6 PUBLIC COMMENT.—The commission shall accept
7 and consider comments from the public (including
8 through the website maintained under subsection
9 (a)(2)) with respect to the preliminary redistricting
10 plan published under paragraph (3), including pro-
11 posed revisions to maps, for not fewer than 30 days
12 after the date on which the plan is published.

13 (5) POST-PUBLICATION HEARINGS.—

14 (A) 3 HEARINGS REQUIRED.—After post-
15 ing and publishing the preliminary redistricting
16 plan under paragraph (3), the commission shall
17 hold not fewer than 3 public hearings in dif-
18 ferent geographic areas of the State at which
19 members of the public may provide input and
20 comments regarding the preliminary plan.

21 (B) MINIMUM PERIOD FOR NOTICE PRIOR
22 TO HEARINGS.—Not fewer than 14 days prior
23 to the date of each hearing held under this
24 paragraph, the commission shall post notices of
25 the hearing on the website maintained under

1 subsection (a)(2), and shall provide for the pub-
 2 lication of such notices in newspapers of general
 3 circulation throughout the State. Each such no-
 4 tice shall specify the date, time, and location of
 5 the hearing.

6 (6) PERMITTING MULTIPLE PRELIMINARY
 7 PLANS.—At the option of the commission, after de-
 8 veloping and publishing the preliminary redistricting
 9 plan under this subsection, the commission may de-
 10 velop and publish subsequent preliminary redis-
 11 tricting plans, so long as the process for the develop-
 12 ment and publication of each such subsequent plan
 13 meets the requirements set forth in this subsection
 14 for the development and publication of the first pre-
 15 liminary redistricting plan.

16 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
 17 TRICTING PLAN.—

18 (1) IN GENERAL.—After taking into consider-
 19 ation comments from the public on any preliminary
 20 redistricting plan developed and published under
 21 subsection (b), the independent redistricting commis-
 22 sion of a State shall develop and publish a final re-
 23 districting plan for the State.

24 (2) MEETING; FINAL VOTE.—Not later than the
 25 deadline specified in subsection (e), the commission

1 shall hold a public hearing at which the members of
2 the commission shall vote on approving the final
3 plan for enactment into law.

4 (3) PUBLICATION OF PLAN AND ACCOMPANYING
5 MATERIALS.—Not fewer than 14 days before the
6 date of the meeting under paragraph (2), the com-
7 mission shall provide the following information to
8 the public through the website maintained under
9 subsection (a)(2), as well as through newspapers of
10 general circulation throughout the State:

11 (A) The final redistricting plan, including
12 all relevant maps.

13 (B) A report by the commission to accom-
14 pany the plan which provides the background
15 for the plan and the commission's reasons for
16 selecting the plan as the final redistricting plan,
17 including responses to the public comments re-
18 ceived on any preliminary redistricting plan de-
19 veloped and published under subsection (b).

20 (C) Any dissenting or additional views with
21 respect to the plan of individual members of the
22 commission.

23 (4) ENACTMENT.—Subject to paragraph (5),
24 the final redistricting plan developed and published
25 under this subsection shall be deemed to be enacted

1 into law upon the expiration of the 45-day period
 2 which begins on the date on which—

3 (A) such final plan is approved by a major-
 4 ity of the whole membership of the commission;
 5 and

6 (B) at least one member of the commission
 7 appointed from each of the categories of the ap-
 8 proved selection pool described in section
 9 202(b)(1) approves such final plan.

10 (5) REVIEW BY DEPARTMENT OF JUSTICE.—

11 (A) REQUIRING SUBMISSION OF PLAN FOR
 12 REVIEW.—The final redistricting plan shall not
 13 be deemed to be enacted into law unless the
 14 State submits the plan to the Department of
 15 Justice for an administrative review to deter-
 16 mine if the plan is in compliance with the cri-
 17 teria described in paragraphs (2) and (3) of
 18 section 103(a).

19 (B) TERMINATION OF REVIEW.—The De-
 20 partment of Justice shall terminate any admin-
 21 istrative review under subparagraph (A) if, dur-
 22 ing the 45-day period which begins on the date
 23 the plan is enacted into law, an action is filed
 24 in a United States district court alleging that
 25 the plan is not in compliance with the criteria

1 described in paragraphs (2) and (3) of section
2 103(a).

3 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
4 TERNAL METRICS.—The independent redistricting com-
5 mission shall include with each redistricting plan devel-
6 oped and published under this section a written evaluation
7 that measures each such plan against external metrics
8 which cover the criteria set forth in section 103(a), includ-
9 ing the impact of the plan on the ability of communities
10 of color to elect candidates of choice, measures of partisan
11 fairness using multiple accepted methodologies, and the
12 degree to which the plan preserves or divides communities
13 of interest.

14 (e) TIMING.—The independent redistricting commis-
15 sion of a State may begin its work on the redistricting
16 plan of the State upon receipt of relevant population infor-
17 mation from the Bureau of the Census, and shall approve
18 a final redistricting plan for the State in each year ending
19 in the numeral one not later than 8 months after the date
20 on which the State receives the State apportionment notice
21 or October 1, whichever occurs later.

22 **SEC. 204. ESTABLISHMENT OF RELATED ENTITIES.**

23 (a) ESTABLISHMENT OR DESIGNATION OF NON-
24 PARTISAN AGENCY OF STATE LEGISLATURE.—

1 (1) IN GENERAL.—Each State shall establish a
 2 nonpartisan agency in the legislative branch of the
 3 State government to appoint the members of the
 4 independent redistricting commission for the State
 5 in accordance with section 201.

6 (2) NONPARTISANSHIP DESCRIBED.—For pur-
 7 poses of this subsection, an agency shall be consid-
 8 ered to be nonpartisan if under law the agency—

9 (A) is required to provide services on a
 10 nonpartisan basis;

11 (B) is required to maintain impartiality;
 12 and

13 (C) is prohibited from advocating for the
 14 adoption or rejection of any legislative proposal.

15 (3) TRAINING OF MEMBERS APPOINTED TO
 16 COMMISSION.—Not later than January 15 of a year
 17 ending in the numeral one, the nonpartisan agency
 18 established or designated under this subsection shall
 19 provide the members of the independent redistricting
 20 commission with initial training on their obligations
 21 as members of the commission, including obligations
 22 under the Voting Rights Act of 1965 (52 U.S.C.
 23 10301 et seq.) and other applicable laws.

24 (4) REGULATIONS.—The nonpartisan agency
 25 established or designated under this subsection shall

1 adopt and publish regulations, after notice and op-
2 portunity for comment, establishing the procedures
3 that the agency will follow in fulfilling its duties
4 under this Act, including the procedures to be used
5 in vetting the qualifications and political affiliation
6 of applicants and in creating the selection pools, the
7 randomized process to be used in selecting the initial
8 members of the independent redistricting commis-
9 sion, and the rules that the agency will apply to en-
10 sure that the agency carries out its duties under this
11 Act in a maximally transparent, publicly accessible,
12 and impartial manner.

13 (5) DESIGNATION OF EXISTING AGENCY.—At
14 its option, a State may designate an existing agency
15 in the legislative branch of its government to appoint
16 the members of the independent redistricting com-
17 mission plan for the State under this Act, so long
18 as the agency meets the requirements for non-
19 partisanship under this subsection.

20 (6) TERMINATION OF AGENCY SPECIFICALLY
21 ESTABLISHED FOR REDISTRICTING.—If a State does
22 not designate an existing agency under paragraph
23 (5) but instead establishes a new agency to serve as
24 the nonpartisan agency under this section, the new

1 agency shall terminate upon the enactment into law
2 of the redistricting plan for the State.

3 (7) PRESERVATION OF RECORDS.—The State
4 shall ensure that the records of the nonpartisan
5 agency are retained in the appropriate State archive
6 in such manner as may be necessary to enable the
7 State to respond to any civil action brought with re-
8 spect to congressional redistricting in the State.

9 (8) DEADLINE.—The State shall meet the re-
10 quirements of this subsection not later than each
11 October 15 of a year ending in the numeral nine.

12 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
13 DISTRICTING.—

14 (1) IN GENERAL.—Each State shall appoint a
15 Select Committee on Redistricting to approve or dis-
16 approve a selection pool developed for the State by
17 the nonpartisan agency pursuant to section 202(b).

18 (2) APPOINTMENT.—The Select Committee on
19 Redistricting for a State under this subsection shall
20 consist of the following members:

21 (A) One member of the upper house of the
22 State legislature, who shall be appointed by the
23 leader of the party with the greatest number of
24 seats in the upper house.

1 (B) One member of the upper house of the
 2 State legislature, who shall be appointed by the
 3 leader of the party with the second greatest
 4 number of seats in the upper house.

5 (C) One member of the lower house of the
 6 State legislature, who shall be appointed by the
 7 leader of the party with the greatest number of
 8 seats in the lower house.

9 (D) One member of the lower house of the
 10 State legislature, who shall be appointed by the
 11 leader of the party with the second greatest
 12 number of seats in the lower house.

13 (3) SPECIAL RULE FOR STATES WITH UNICAM-
 14 ERAL LEGISLATURE.—In the case of a State with a
 15 unicameral legislature, the Select Committee on Re-
 16 districting for the State under this subsection shall
 17 consist of the following members:

18 (A) Two members of the State legislature
 19 appointed by the chair of the political party of
 20 the State whose candidate received the highest
 21 percentage of votes in the most recent statewide
 22 election for Federal office held in the State.

23 (B) Two members of the State legislature
 24 appointed by the chair of the political party
 25 whose candidate received the second highest

1 percentage of votes in the most recent statewide
 2 election for Federal office held in the State.

3 (4) DEADLINE.—The State shall meet the re-
 4 quirements of this subsection not later than each
 5 January 15 of a year ending in the numeral zero.

6 (5) RULE OF CONSTRUCTION.—Nothing in this
 7 subsection may be construed to prohibit the leader
 8 of any political party in a legislature from appoint-
 9 ment to the Select Committee on Redistricting.

10 **SEC. 205. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
 11 **INDEPENDENT REDISTRICTING COMMIS-**
 12 **SIONS.**

13 Not later than May 15 of a year ending in the nu-
 14 meral one, the Comptroller General of the United States
 15 shall submit to Congress a report on the extent to which
 16 the memberships of independent redistricting commissions
 17 for States established under this title with respect to the
 18 immediately preceding year ending in the numeral zero
 19 meet the diversity requirements as provided for in sections
 20 201(a)(2)(B) and 202(b)(2).

1 **TITLE III—ROLE OF COURTS IN**
 2 **DEVELOPMENT OF REDIS-**
 3 **TRICTING PLANS**

4 **SEC. 301. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE**
 5 **COURT.**

6 (a) DEVELOPMENT OF PLAN.—If any of the trig-
 7 gering events described in subsection (f) occur with re-
 8 spect to a State—

9 (1) not later than December 15 of the year in
 10 which the triggering event occurs, the United States
 11 district court for the applicable venue, acting
 12 through a 3-judge court convened pursuant to sec-
 13 tion 2284 of title 28, United States Code, shall de-
 14 velop and publish the congressional redistricting
 15 plan for the State; and

16 (2) the final plan developed and published by
 17 the court under this section shall be deemed to be
 18 enacted on the date on which the court publishes the
 19 final plan, as described in subsection (d).

20 (b) APPLICABLE VENUE DESCRIBED.—For purposes
 21 of this section, the “applicable venue” with respect to a
 22 State is the District of Columbia or the judicial district
 23 in which the capital of the State is located, as selected
 24 by the first party to file with the court sufficient evidence

1 of the occurrence of a triggering event described in sub-
 2 section (f).

3 (c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

4 (1) CRITERIA.—In developing a redistricting
 5 plan for a State under this section, the court shall
 6 adhere to the same terms and conditions that ap-
 7 plied (or that would have applied, as the case may
 8 be) to the development of a plan by the independent
 9 redistricting commission of the State under section
 10 103.

11 (2) ACCESS TO INFORMATION AND RECORDS OF
 12 COMMISSION.—The court shall have access to any
 13 information, data, software, or other records and
 14 material that was used (or that would have been
 15 used, as the case may be) by the independent redis-
 16 tricting commission of the State in carrying out its
 17 duties under this Act.

18 (3) HEARING; PUBLIC PARTICIPATION.—In de-
 19 veloping a redistricting plan for a State, the court
 20 shall—

21 (A) hold one or more evidentiary hearings
 22 at which interested members of the public may
 23 appear and be heard and present testimony, in-
 24 cluding expert testimony, in accordance with
 25 the rules of the court; and

1 (B) consider other submissions and com-
 2 ments by the public, including proposals for re-
 3 districting plans to cover the entire State or
 4 any portion of the State.

5 (4) USE OF SPECIAL MASTER.—To assist in the
 6 development and publication of a redistricting plan
 7 for a State under this section, the court may appoint
 8 a special master to make recommendations to the
 9 court on possible plans for the State.

10 (d) PUBLICATION OF PLAN.—

11 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
 12 Upon completing the development of one or more
 13 initial redistricting plans, the court shall make the
 14 plans available to the public at no cost, and shall
 15 also make available the underlying data used by the
 16 court to develop the plans and a written evaluation
 17 of the plans against external metrics (as described in
 18 section 203(d)).

19 (2) PUBLICATION OF FINAL PLAN.—At any
 20 time after the expiration of the 14-day period which
 21 begins on the date the court makes the plans avail-
 22 able to the public under paragraph (1), and taking
 23 into consideration any submissions and comments by
 24 the public which are received during such period, the

1 court shall develop and publish the final redistricting
2 plan for the State.

3 (e) USE OF INTERIM PLAN.—In the event that the
4 court is not able to develop and publish a final redistricting
5 plan for the State with sufficient time for an upcoming
6 election to proceed, the court may develop and
7 publish an interim redistricting plan which shall serve as
8 the redistricting plan for the State until the court develops
9 and publishes a final plan in accordance with this section.
10 Nothing in this subsection may be construed to limit or
11 otherwise affect the authority or discretion of the court
12 to develop and publish the final redistricting plan, including
13 the discretion to make any changes the court deems
14 necessary to an interim redistricting plan.

15 (f) TRIGGERING EVENTS DESCRIBED.—The “triggering
16 events” described in this subsection are as follows:

17 (1) The failure of the State to establish or designate
18 a nonpartisan agency of the State legislature
19 under section 204(a) prior to the expiration of the
20 deadline set forth in section 204(a)(8).

21 (2) The failure of the State to appoint a Select
22 Committee on Redistricting under section 204(b)
23 prior to the expiration of the deadline set forth in
24 section 204(b)(4).

1 (3) The failure of the Select Committee on Re-
2 districting to approve any selection pool under sec-
3 tion 202 prior to the expiration of the deadline set
4 forth for the approval of the second replacement se-
5 lection pool in section 202(d)(2).

6 (4) The failure of the independent redistricting
7 commission of the State to approve a final redis-
8 tricting plan for the State prior to the expiration of
9 the deadline set forth in section 203(e).

10 **SEC. 302. SPECIAL RULE FOR REDISTRICTING CONDUCTED**
11 **UNDER ORDER OF FEDERAL COURT.**

12 If a Federal court requires a State to conduct redis-
13 tricting subsequent to an apportionment of Representa-
14 tives in the State in order to comply with the Constitution
15 or to enforce the Voting Rights Act of 1965 (52 U.S.C.
16 10301 et seq.), section 203 shall apply with respect to the
17 redistricting, except that the court may revise any of the
18 deadlines set forth in such section if the court determines
19 that a revision is appropriate in order to provide for a
20 timely enactment of a new redistricting plan for the State.

1 **TITLE IV—ADMINISTRATIVE AND**
 2 **MISCELLANEOUS PROVISIONS**

3 **SEC. 401. PAYMENTS TO STATES FOR CARRYING OUT RE-**
 4 **DISTRICTING.**

5 (a) AUTHORIZATION OF PAYMENTS.—Subject to sub-
 6 section (d), not later than 30 days after a State receives
 7 a State apportionment notice, the Election Assistance
 8 Commission shall, subject to the availability of appropria-
 9 tions provided pursuant to subsection (e), make a payment
 10 to the State in an amount equal to the product of—

11 (1) the number of Representatives to which the
 12 State is entitled, as provided under the notice; and

13 (2) \$150,000.

14 (b) USE OF FUNDS.—A State shall use the payment
 15 made under this section to establish and operate the
 16 State’s independent redistricting commission, to imple-
 17 ment the State redistricting plan, and to otherwise carry
 18 out congressional redistricting in the State.

19 (c) NO PAYMENT TO STATES WITH SINGLE MEM-
 20 BER.—The Election Assistance Commission shall not
 21 make a payment under this section to any State which
 22 is not entitled to more than one Representative under its
 23 State apportionment notice.

24 (d) REQUIRING SUBMISSION OF SELECTION POOL AS
 25 CONDITION OF PAYMENT.—

1 (1) REQUIREMENT.—Except as provided in
2 paragraph (2), the Election Assistance Commission
3 may not make a payment to a State under this sec-
4 tion until the State certifies to the Commission that
5 the nonpartisan agency established or designated by
6 a State under section 204(a) has, in accordance with
7 section 202(b)(1), submitted a selection pool to the
8 Select Committee on Redistricting for the State es-
9 tablished under section 204(b).

10 (2) EXCEPTION FOR STATES WITH EXISTING
11 COMMISSIONS.—In the case of a State which, pursu-
12 ant to section 101(c), is exempt from the require-
13 ments of section 101(a), the Commission may not
14 make a payment to the State under this section until
15 the State certifies to the Commission that its redis-
16 tricting commission meets the requirements of sec-
17 tion 101(c).

18 (3) EXCEPTION FOR STATE OF IOWA.—In the
19 case of the State of Iowa, the Commission may not
20 make a payment to the State under this section until
21 the State certifies to the Commission that it will
22 carry out congressional redistricting pursuant to the
23 State's apportionment notice in accordance with a
24 plan developed by the Iowa Legislative Services
25 Agency with the assistance of a Temporary Redis-

1 tracting Advisory Commission, as provided under the
 2 law described in section 101(d).

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated such sums as may be
 5 necessary for payments under this section.

6 **SEC. 402. CIVIL ENFORCEMENT.**

7 (a) CIVIL ENFORCEMENT.—

8 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
 9 torney General may bring a civil action in an appro-
 10 priate district court for such relief as may be appro-
 11 priate to carry out this Act.

12 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
 13 TION.—Any citizen of a State who is aggrieved by
 14 the failure of the State to meet the requirements of
 15 this Act may bring a civil action in the United
 16 States district court for the applicable venue for
 17 such relief as may be appropriate to remedy the fail-
 18 ure. For purposes of this section, the “applicable
 19 venue” is the District of Columbia or the judicial
 20 district in which the capital of the State is located,
 21 as selected by the person who brings the civil action.

22 (b) EXPEDITED CONSIDERATION.—In any action
 23 brought forth under this section, the following rules shall
 24 apply:

1 (1) The action shall be filed in the district court
2 of the United States for the District of Columbia or
3 for the judicial district in which the capital of the
4 State is located, as selected by the person bringing
5 the action.

6 (2) The action shall be heard by a 3-judge
7 court convened pursuant to section 2284 of title 28,
8 United States Code.

9 (3) The 3-judge court shall consolidate actions
10 brought for relief under subsection (b)(1) with re-
11 spect to the same State redistricting plan.

12 (4) A copy of the complaint shall be delivered
13 promptly to the Clerk of the House of Representa-
14 tives and the Secretary of the Senate.

15 (5) A final decision in the action shall be re-
16 viewable only by appeal directly to the Supreme
17 Court of the United States. Such appeal shall be
18 taken by the filing of a notice of appeal within 10
19 days, and the filing of a jurisdictional statement
20 within 30 days, of the entry of the final decision.

21 (6) It shall be the duty of the district court and
22 the Supreme Court of the United States to advance
23 on the docket and to expedite to the greatest pos-
24 sible extent the disposition of the action and appeal.

25 (c) REMEDIES.—

1 (1) ADOPTION OF REPLACEMENT PLAN.—

2 (A) IN GENERAL.—If the district court in
3 an action under this section finds that the con-
4 gressional redistricting plan of a State violates,
5 in whole or in part, the requirements of this
6 Act—

7 (i) the court shall adopt a replacement
8 congressional redistricting plan for the
9 State in accordance with the process set
10 forth in section 301; or

11 (ii) if circumstances warrant and no
12 delay to an upcoming regularly scheduled
13 election for the House of Representatives
14 in the State would result, the district court
15 may allow a State to develop and propose
16 a remedial congressional redistricting plan
17 for consideration by the court, and such
18 remedial plan may be developed by the
19 State by adopting such appropriate
20 changes to the State's enacted plan as may
21 be ordered by the court.

22 (B) SPECIAL RULE IN CASE FINAL ADJU-
23 DICATION NOT EXPECTED WITHIN 3 MONTHS
24 OF ELECTION.—If final adjudication of an ac-
25 tion under this section is not reasonably ex-

1 pected to be completed at least three months
2 prior to the next regularly scheduled election
3 for the House of Representatives in the State,
4 the district court shall, as the balance of equi-
5 ties warrant,—

6 (i) order development, adoption, and
7 use of an interim congressional redis-
8 tricting plan in accordance with section
9 301(e) to address any claims under this
10 Act for which a party seeking relief has
11 demonstrated a substantial likelihood of
12 success; or

13 (ii) order adjustments to the timing of
14 primary elections for the House of Rep-
15 resentatives, as needed, to allow sufficient
16 opportunity for adjudication of the matter
17 and adoption of a remedial or replacement
18 plan for use in the next regularly sched-
19 uled general elections for the House of
20 Representatives.

21 (2) NO INJUNCTIVE RELIEF PERMITTED.—Any
22 remedial or replacement congressional redistricting
23 plan ordered under this subsection shall not be sub-
24 ject to temporary or preliminary injunctive relief

1 from any court unless the record establishes that a
2 writ of mandamus is warranted.

3 (3) NO STAY PENDING APPEAL.—Notwith-
4 standing the appeal of an order finding that a con-
5 gressional redistricting plan of a State violates, in
6 whole or in part, the requirements of this Act, no
7 stay shall issue which shall bar the development or
8 adoption of a replacement or remedial plan under
9 this subsection, as may be directed by the district
10 court, pending such appeal.

11 (d) ATTORNEY'S FEES.—In a civil action under this
12 section, the court may allow the prevailing party (other
13 than the United States) reasonable attorney fees, includ-
14 ing litigation expenses, and costs.

15 (e) RELATION TO OTHER LAWS.—

16 (1) RIGHTS AND REMEDIES ADDITIONAL TO
17 OTHER RIGHTS AND REMEDIES.—The rights and
18 remedies established by this section are in addition
19 to all other rights and remedies provided by law, and
20 neither the rights and remedies established by this
21 section nor any other provision of this Act shall su-
22 persede, restrict, or limit the application of the Vot-
23 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

24 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
25 this Act authorizes or requires conduct that is pro-

1 hibited by the Voting Rights Act of 1965 (52 U.S.C.
2 10301 et seq.).

3 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
4 ture, or State may claim legislative privilege under either
5 State or Federal law in a civil action brought under this
6 section or in any other legal challenge, under either State
7 or Federal law, to a redistricting plan enacted under this
8 Act.

9 **SEC. 403. STATE APPORTIONMENT NOTICE DEFINED.**

10 In this Act, the “State apportionment notice” means,
11 with respect to a State, the notice sent to the State from
12 the Clerk of the House of Representatives under section
13 22(b) of the Act entitled “An Act to provide for the fif-
14 teenth and subsequent decennial censuses and to provide
15 for an apportionment of Representatives in Congress”, ap-
16 proved June 18, 1929 (2 U.S.C. 2a), of the number of
17 Representatives to which the State is entitled.

18 **SEC. 404. NO EFFECT ON ELECTIONS FOR STATE AND**
19 **LOCAL OFFICE.**

20 Nothing in this Act or in any amendment made by
21 this Act may be construed to affect the manner in which
22 a State carries out elections for State or local office, in-
23 cluding the process by which a State establishes the dis-
24 tricts used in such elections.

1 **SEC. 405. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 apply with respect to redistricting carried out pursuant to
4 the decennial census conducted during 2030 or any suc-
5 ceeding decennial census.

6 **TITLE V—REQUIREMENTS FOR**
7 **REDISTRICTING CARRIED**
8 **OUT PURSUANT TO 2020 CEN-**
9 **SUS**

10 **Subtitle A—Application of Certain**
11 **Requirements for Redistricting**
12 **Carried Out Pursuant to 2020**
13 **Census**

14 **SEC. 511. APPLICATION OF CERTAIN REQUIREMENTS FOR**
15 **REDISTRICTING CARRIED OUT PURSUANT TO**
16 **2020 CENSUS.**

17 Notwithstanding section 405, titles I, III, and IV of
18 this Act and the amendments made by such titles shall
19 apply with respect to congressional redistricting carried
20 out pursuant to the decennial census conducted during
21 2020 in the same manner as such titles and the amend-
22 ments made by such title apply with respect to redis-
23 tricting carried out pursuant to the decennial census con-
24 ducted during 2030, except as follows:

1 (1) Except as provided in subsection (c) and
2 subsection (d) of section 101, the redistricting shall
3 be conducted in accordance with—

4 (A) the redistricting plan developed and
5 enacted into law by the independent redistricting
6 commission established in the State in
7 accordance with subtitle B; or

8 (B) if a plan developed by such commission
9 is not enacted into law, the redistricting plan
10 developed and enacted into law by a 3-judge
11 court in accordance with section 301.

12 (2) If any of the triggering events described in
13 section 512 occur with respect to the State, the
14 United States district court for the applicable venue
15 shall develop and publish the redistricting plan for
16 the State, in accordance with section 301, not later
17 than March 15, 2022.

18 (3) For purposes of section 401(d)(1), the Elec-
19 tion Assistance Commission may not make a pay-
20 ment to a State under such section until the State
21 certifies to the Commission that the nonpartisan
22 agency established or designated by a State under
23 section 524(a) has, in accordance with section
24 522(b)(1), submitted a selection pool to the Select

1 Committee on Redistricting for the State established
2 under section 524(b).

3 **SEC. 512. TRIGGERING EVENTS.**

4 For purposes of the redistricting carried out pursuant
5 to the decennial census conducted during 2020, the trig-
6 gering events described in this section are as follows:

7 (1) The failure of the State to establish or des-
8 ignate a nonpartisan agency under section 524(a)
9 prior to the expiration of the deadline under section
10 524(a)(6).

11 (2) The failure of the State to appoint a Select
12 Committee on Redistricting under section 524(b)
13 prior to the expiration of the deadline under section
14 524(b)(4).

15 (3) The failure of the Select Committee on Re-
16 districting to approve a selection pool under section
17 522(b) prior to the expiration of the deadline under
18 section 522(b)(7).

19 (4) The failure of the independent redistricting
20 commission of the State to approve a final redis-
21 tricting plan for the State under section 523 prior
22 to the expiration of the deadline under section
23 523(e).

1 **Subtitle B—Independent Redis-**
 2 **tricting Commissions for Redis-**
 3 **tricting Carried Out Pursuant**
 4 **to 2020 Census**

5 **SEC. 521. USE OF INDEPENDENT REDISTRICTING COMMIS-**
 6 **SIONS FOR REDISTRICTING CARRIED OUT**
 7 **PURSUANT TO 2020 CENSUS.**

8 (a) APPOINTMENT OF MEMBERS.—

9 (1) IN GENERAL.—The nonpartisan agency es-
 10 tablished or designated by a State under section
 11 524(a) shall establish an independent redistricting
 12 commission under this title for the State, which shall
 13 consist of 15 members appointed by the agency as
 14 follows:

15 (A) Not later than November 5, 2021, the
 16 agency shall, at a public meeting held not ear-
 17 lier than 15 days after notice of the meeting
 18 has been given to the public, first appoint 6
 19 members as follows:

20 (i) The agency shall appoint 2 mem-
 21 bers on a random basis from the majority
 22 category of the approved selection pool (as
 23 described in section 522(b)(1)(A)).

24 (ii) The agency shall appoint 2 mem-
 25 bers on a random basis from the minority

1 category of the approved selection pool (as
2 described in section 522(b)(1)(B)).

3 (iii) The agency shall appoint 2 mem-
4 bers on a random basis from the inde-
5 pendent category of the approved selection
6 pool (as described in section 522(b)(1)(C)).

7 (B) Not later than November 15, 2021,
8 the members appointed by the agency under
9 subparagraph (A) shall, at a public meeting
10 held not earlier than 15 days after notice of the
11 meeting has been given to the public, then ap-
12 point 9 members as follows:

13 (i) The members shall appoint 3 mem-
14 bers from the majority category of the ap-
15 proved selection pool (as described in sec-
16 tion 522(b)(1)(A)).

17 (ii) The members shall appoint 3
18 members from the minority category of the
19 approved selection pool (as described in
20 section 522(b)(1)(B)).

21 (iii) The members shall appoint 3
22 members from the independent category of
23 the approved selection pool (as described in
24 section 522(b)(1)(C)).

1 (2) RULES FOR APPOINTMENT OF MEMBERS
2 APPOINTED BY FIRST MEMBERS.—

3 (A) AFFIRMATIVE VOTE OF AT LEAST 4
4 MEMBERS.—The appointment of any of the 9
5 members of the independent redistricting com-
6 mission who are appointed by the first members
7 of the commission pursuant to subparagraph
8 (B) of paragraph (1) shall require the affirma-
9 tive vote of at least 4 of the members appointed
10 by the nonpartisan agency under subparagraph
11 (A) of paragraph (1), including at least one
12 member from each of the categories referred to
13 in such subparagraph.

14 (B) ENSURING DIVERSITY.—In appointing
15 the 9 members pursuant to subparagraph (B)
16 of paragraph (1), the first members of the inde-
17 pendent redistricting commission shall ensure
18 that the membership is representative of the de-
19 mographic groups (including racial, ethnic, eco-
20 nomic, and gender) and geographic regions of
21 the State, and provides racial, ethnic, and lan-
22 guage minorities protected under the Voting
23 Rights Act of 1965 with a meaningful oppor-
24 tunity to participate in the development of the
25 State's redistricting plan.

1 (3) REMOVAL.—A member of the independent
 2 redistricting commission may be removed by a ma-
 3 jority vote of the remaining members of the commis-
 4 sion if it is shown by a preponderance of the evi-
 5 dence that the member is not eligible to serve on the
 6 commission under section 522(a).

7 (b) PROCEDURES FOR CONDUCTING COMMISSION
 8 BUSINESS.—

9 (1) REQUIRING MAJORITY APPROVAL FOR AC-
 10 TIONS.—The independent redistricting commission
 11 of a State under this title may not publish and dis-
 12 seminate any draft or final redistricting plan, or
 13 take any other action, without the approval of at
 14 least—

15 (A) a majority of the whole membership of
 16 the commission; and

17 (B) at least one member of the commission
 18 appointed from each of the categories of the ap-
 19 proved selection pool described in section
 20 522(b)(1).

21 (2) QUORUM.—A majority of the members of
 22 the commission shall constitute a quorum.

23 (c) STAFF; CONTRACTORS.—

24 (1) STAFF.—Under a public application process
 25 in which all application materials are available for

1 public inspection, the independent redistricting com-
2 mission of a State under this title shall appoint and
3 set the pay of technical experts, legal counsel, con-
4 sultants, and such other staff as it considers appro-
5 priate, subject to State law.

6 (2) CONTRACTORS.—The independent redis-
7 tricting commission of a State may enter into such
8 contracts with vendors as it considers appropriate,
9 subject to State law, except that any such contract
10 shall be valid only if approved by the vote of a ma-
11 jority of the members of the commission, including
12 at least one member appointed from each of the cat-
13 egories of the approved selection pool described in
14 section 522(b)(1).

15 (3) GOAL OF IMPARTIALITY.—The commission
16 shall take such steps as it considers appropriate to
17 ensure that any staff appointed under this sub-
18 section, and any vendor with whom the commission
19 enters into a contract under this subsection, will
20 work in an impartial manner.

21 (d) PRESERVATION OF RECORDS.—The State shall
22 ensure that the records of the independent redistricting
23 commission are retained in the appropriate State archive
24 in such manner as may be necessary to enable the State

1 to respond to any civil action brought with respect to con-
 2 gressional redistricting in the State.

3 **SEC. 522. ESTABLISHMENT OF SELECTION POOL OF INDI-**
 4 **VIDUALS ELIGIBLE TO SERVE AS MEMBERS**
 5 **OF COMMISSION.**

6 (a) CRITERIA FOR ELIGIBILITY.—

7 (1) IN GENERAL.—An individual is eligible to
 8 serve as a member of an independent redistricting
 9 commission under this title if the individual meets
 10 each of the following criteria:

11 (A) As of the date of appointment, the in-
 12 dividual is registered to vote in elections for
 13 Federal office held in the State.

14 (B) During the 3-year period ending on
 15 the date of the individual's appointment, the in-
 16 dividual has been continuously registered to
 17 vote with the same political party, or has not
 18 been registered to vote with any political party.

19 (C) The individual submits to the non-
 20 partisan agency established or designated by a
 21 State under section 524, at such time and in
 22 such form as the agency may require, an appli-
 23 cation for inclusion in the selection pool under
 24 this section, and includes with the application a
 25 written statement, with an attestation under

1 penalty of perjury, containing the following in-
2 formation and assurances:

3 (i) The full current name and any
4 former names of, and the contact informa-
5 tion for, the individual, including an elec-
6 tronic mail address, the address of the in-
7 dividual's residence, mailing address, and
8 telephone numbers.

9 (ii) The individual's race, ethnicity,
10 gender, age, date of birth, and household
11 income for the most recent taxable year.

12 (iii) The political party with which the
13 individual is affiliated, if any.

14 (iv) The reason or reasons the indi-
15 vidual desires to serve on the independent
16 redistricting commission, the individual's
17 qualifications, and information relevant to
18 the ability of the individual to be fair and
19 impartial, including—

20 (I) any involvement with, or fi-
21 nancial support of, professional, so-
22 cial, political, religious, or community
23 organizations or causes; and

24 (II) the individual's employment
25 and educational history.

1 (v) An assurance that the individual
2 shall commit to carrying out the individ-
3 ual's duties under this Act in an honest,
4 independent, and impartial fashion, and to
5 upholding public confidence in the integrity
6 of the redistricting process.

7 (vi) An assurance that, during such
8 covered period as the State may establish
9 with respect to any of the subparagraphs
10 of paragraph (2), the individual has not
11 taken and will not take any action which
12 would disqualify the individual from serv-
13 ing as a member of the commission under
14 such paragraph.

15 (2) DISQUALIFICATIONS.—An individual is not
16 eligible to serve as a member of the commission if
17 any of the following applies with respect to such cov-
18 ered period as the State may establish:

19 (A) The individual or an immediate family
20 member of the individual holds public office or
21 is a candidate for election for public office.

22 (B) The individual or an immediate family
23 member of the individual serves as an officer of
24 a political party or as an officer, employee, or
25 paid consultant of a campaign committee of a

1 candidate for public office or of any political ac-
2 tion committee (as determined in accordance
3 with the law of the State).

4 (C) The individual or an immediate family
5 member of the individual holds a position as a
6 registered lobbyist under the Lobbying Discl-
7 sure Act of 1995 (2 U.S.C. 1601 et seq.) or an
8 equivalent State or local law.

9 (D) The individual or an immediate family
10 member of the individual is an employee of an
11 elected public official, a contractor with the gov-
12 ernment of the State, or a donor to the cam-
13 paign of any candidate for public office or to
14 any political action committee (other than a
15 donor who, during any of such covered periods,
16 gives an aggregate amount of \$1,000 or less to
17 the campaigns of all candidates for all public
18 offices and to all political action committees).

19 (E) The individual paid a civil money pen-
20 alty or criminal fine, or was sentenced to a
21 term of imprisonment, for violating any provi-
22 sion of the Federal Election Campaign Act of
23 1971 (52 U.S.C. 30101 et seq.).

24 (F) The individual or an immediate family
25 member of the individual is an agent of a for-

1 eign principal under the Foreign Agents Reg-
 2 istration Act of 1938 (22 U.S.C. 611 et seq.).

3 (3) IMMEDIATE FAMILY MEMBER DEFINED.—In
 4 this subsection, the term “immediate family mem-
 5 ber” means, with respect to an individual, a father,
 6 stepfather, mother, stepmother, son, stepson, daugh-
 7 ter, stepdaughter, brother, stepbrother, sister, step-
 8 sister, husband, wife, father-in-law, or mother-in-
 9 law.

10 (b) DEVELOPMENT AND SUBMISSION OF SELECTION
 11 POOL.—

12 (1) IN GENERAL.—Not later than October 15,
 13 2021, the nonpartisan agency established or des-
 14 ignated by a State under section 524(a) shall de-
 15 velop and submit to the Select Committee on Redis-
 16 tricting for the State established under section
 17 524(b) a selection pool of 36 individuals who are eli-
 18 gible to serve as members of the independent redis-
 19 tricting commission of the State under this title,
 20 consisting of individuals in the following categories:

21 (A) A majority category, consisting of 12
 22 individuals who are affiliated with the political
 23 party whose candidate received the most votes
 24 in the most recent Statewide election for Fed-
 25 eral office held in the State.

1 (B) A minority category, consisting of 12
 2 individuals who are affiliated with the political
 3 party whose candidate received the second most
 4 votes in the most recent Statewide election for
 5 Federal office held in the State.

6 (C) An independent category, consisting of
 7 12 individuals who are not affiliated with either
 8 of the political parties described in subpara-
 9 graph (A) or subparagraph (B).

10 (2) FACTORS TAKEN INTO ACCOUNT IN DEVEL-
 11 OPING POOL.—In selecting individuals for the selec-
 12 tion pool under this subsection, the nonpartisan
 13 agency shall—

14 (A) ensure that the pool is representative
 15 of the demographic groups (including racial,
 16 ethnic, economic, and gender) and geographic
 17 regions of the State, and includes applicants
 18 who would allow racial, ethnic, and language
 19 minorities protected under the Voting Rights
 20 Act of 1965 a meaningful opportunity to par-
 21 ticipate in the development of the State’s redis-
 22 tricting plan; and

23 (B) take into consideration the analytical
 24 skills of the individuals selected in relevant
 25 fields (including mapping, data management,

1 law, community outreach, demography, and the
2 geography of the State) and their ability to
3 work on an impartial basis.

4 (3) DETERMINATION OF POLITICAL PARTY AF-
5 FILIATION OF INDIVIDUALS IN SELECTION POOL.—

6 For purposes of this section, an individual shall be
7 considered to be affiliated with a political party only
8 if the nonpartisan agency is able to verify (to the
9 greatest extent possible) the information the indi-
10 vidual provides in the application submitted under
11 subsection (a)(1)(C), including by considering addi-
12 tional information provided by other persons with
13 knowledge of the individual's history of political ac-
14 tivity.

15 (4) ENCOURAGING RESIDENTS TO APPLY FOR
16 INCLUSION IN POOL.—The nonpartisan agency shall
17 take such steps as may be necessary to ensure that
18 residents of the State across various geographic re-
19 gions and demographic groups are aware of the op-
20 portunity to serve on the independent redistricting
21 commission, including publicizing the role of the
22 panel and using newspapers, broadcast media, and
23 online sources, including ethnic media, to encourage
24 individuals to apply for inclusion in the selection
25 pool developed under this subsection.

1 (5) REPORT ON ESTABLISHMENT OF SELEC-
 2 TION POOL.—At the time the nonpartisan agency
 3 submits the selection pool to the Select Committee
 4 on Redistricting under paragraph (1), it shall pub-
 5 lish a report describing the process by which the
 6 pool was developed, and shall include in the report
 7 a description of how the individuals in the pool meet
 8 the eligibility criteria of subsection (a) and of how
 9 the pool reflects the factors the agency is required
 10 to take into consideration under paragraph (2).

11 (6) PUBLIC COMMENT ON SELECTION POOL.—
 12 During the 14-day period which begins on the date
 13 the nonpartisan agency publishes the report under
 14 paragraph (5), the agency shall accept comments
 15 from the public on the individuals included in the se-
 16 lection pool. The agency shall transmit all such com-
 17 ments to the Select Committee on Redistricting im-
 18 mediately upon the expiration of such period.

19 (7) ACTION BY SELECT COMMITTEE.—

20 (A) IN GENERAL.—Not later than Novem-
 21 ber 1, 2021, the Select Committee on Redis-
 22 tricting shall—

23 (i) approve the pool as submitted by
 24 the nonpartisan agency, in which case the
 25 pool shall be considered the approved selec-

tion pool for purposes of section 521(a)(1);

or

(ii) reject the pool, in which case the redistricting plan for the State shall be developed and enacted in accordance with title III.

(B) INACTION DEEMED REJECTION.—If the Select Committee on Redistricting fails to approve or reject the pool within the deadline set forth in subparagraph (A), the Select Committee shall be deemed to have rejected the pool for purposes of such subparagraph.

SEC. 523. CRITERIA FOR REDISTRICTING PLAN; PUBLIC NOTICE AND INPUT.

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The independent redistricting commission of a State under this title shall hold each of its meetings in public, shall solicit and take into consideration comments from the public, including proposed maps, throughout the process of developing the redistricting plan for the State, and shall carry out its duties in an open and transparent manner which provides for the widest public dissemination reason-

1 ably possible of its proposed and final redistricting
2 plans.

3 (2) PUBLIC COMMENT PERIOD.—The commis-
4 sion shall solicit, accept, and consider comments
5 from the public with respect to its duties, activities,
6 and procedures at any time until 7 days before the
7 date of the meeting at which the commission shall
8 vote on approving the final redistricting plan for en-
9 actment into law under subsection (c)(2).

10 (3) MEETINGS AND HEARINGS IN VARIOUS GEO-
11 GRAPHIC LOCATIONS.—To the greatest extent prac-
12 ticable, the commission shall hold its meetings and
13 hearings in various geographic regions and locations
14 throughout the State.

15 (4) MULTIPLE LANGUAGE REQUIREMENTS FOR
16 ALL NOTICES.—The commission shall make each no-
17 tice which is required to be published under this sec-
18 tion available in any language in which the State (or
19 any jurisdiction in the State) is required to provide
20 election materials under section 203 of the Voting
21 Rights Act of 1965 (52 U.S.C. 10503).

22 (b) DEVELOPMENT AND PUBLICATION OF PRELIMI-
23 NARY REDISTRICTING PLAN.—

24 (1) IN GENERAL.—Prior to developing and pub-
25 lishing a final redistricting plan under subsection

(c), the independent redistricting commission of a State under this title shall develop and publish a preliminary redistricting plan.

(2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

(A) 2 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under this subsection, the commission shall hold not fewer than 2 public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for the State and the process by which the commission will develop the preliminary plan under this subsection.

(B) NOTICE PRIOR TO HEARINGS.—The commission shall provide for the publication of notices of each hearing held under this paragraph, including in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(C) SUBMISSION OF PLANS AND MAPS BY MEMBERS OF THE PUBLIC.—Any member of the public may submit maps or portions of maps for consideration by the commission.

1 (3) PUBLICATION OF PRELIMINARY PLAN.—The
2 commission shall provide for the publication of the
3 preliminary redistricting plan developed under this
4 subsection, including in newspapers of general cir-
5 culation throughout the State, and shall make pub-
6 licly available a report that includes the commis-
7 sion’s responses to any public comments received
8 under this subsection.

9 (4) PUBLIC COMMENT AFTER PUBLICATION.—
10 The commission shall accept and consider comments
11 from the public with respect to the preliminary re-
12 districting plan published under paragraph (3), in-
13 cluding proposed revisions to maps, until 14 days
14 before the date of the meeting under subsection
15 (c)(2) at which the members of the commission shall
16 vote on approving the final redistricting plan for en-
17 actment into law.

18 (5) POST-PUBLICATION HEARINGS.—

19 (A) 2 HEARINGS REQUIRED.—After pub-
20 lishing the preliminary redistricting plan under
21 paragraph (3), and not later than 14 days be-
22 fore the date of the meeting under subsection
23 (c)(2) at which the members of the commission
24 shall vote on approving the final redistricting
25 plan for enactment into law, the commission

1 shall hold not fewer than 2 public hearings in
 2 different geographic areas of the State at which
 3 members of the public may provide input and
 4 comments regarding the preliminary plan.

5 (B) NOTICE PRIOR TO HEARINGS.—The
 6 commission shall provide for the publication of
 7 notices of each hearing held under this para-
 8 graph, including in newspapers of general cir-
 9 culation throughout the State. Each such notice
 10 shall specify the date, time, and location of the
 11 hearing.

12 (6) PERMITTING MULTIPLE PRELIMINARY
 13 PLANS.—At the option of the commission, after de-
 14 veloping and publishing the preliminary redistricting
 15 plan under this subsection, the commission may de-
 16 velop and publish subsequent preliminary redis-
 17 tricting plans, so long as the process for the develop-
 18 ment and publication of each such subsequent plan
 19 meets the requirements set forth in this subsection
 20 for the development and publication of the first pre-
 21 liminary redistricting plan.

22 (c) PROCESS FOR ENACTMENT OF FINAL REDIS-
 23 TRICTING PLAN.—

24 (1) IN GENERAL.—After taking into consider-
 25 ation comments from the public on any preliminary

1 redistricting plan developed and published under
2 subsection (b), the independent redistricting commis-
3 sion of a State under this title shall develop and
4 publish a final redistricting plan for the State.

5 (2) MEETING; FINAL VOTE.—Not later than the
6 deadline specified in subsection (e), the commission
7 shall hold a public hearing at which the members of
8 the commission shall vote on approving the final
9 plan for enactment into law.

10 (3) PUBLICATION OF PLAN AND ACCOMPANYING
11 MATERIALS.—Not fewer than 14 days before the
12 date of the meeting under paragraph (2), the com-
13 mission shall make the following information avail-
14 able to the public, including through newspapers of
15 general circulation throughout the State:

16 (A) The final redistricting plan, including
17 all relevant maps.

18 (B) A report by the commission to accom-
19 pany the plan which provides the background
20 for the plan and the commission's reasons for
21 selecting the plan as the final redistricting plan,
22 including responses to the public comments re-
23 ceived on any preliminary redistricting plan de-
24 veloped and published under subsection (b).

1 (C) Any dissenting or additional views with
2 respect to the plan of individual members of the
3 commission.

4 (4) ENACTMENT.—The final redistricting plan
5 developed and published under this subsection shall
6 be deemed to be enacted into law upon the expira-
7 tion of the 45-day period which begins on the date
8 on which—

9 (A) such final plan is approved by a major-
10 ity of the whole membership of the commission;
11 and

12 (B) at least one member of the commission
13 appointed from each of the categories of the ap-
14 proved selection pool described in section
15 522(b)(1) approves such final plan.

16 (d) WRITTEN EVALUATION OF PLAN AGAINST EX-
17 TERNAL METRICS.—The independent redistricting com-
18 mission of a State under this title shall include with each
19 redistricting plan developed and published under this sec-
20 tion a written evaluation that measures each such plan
21 against external metrics which cover the criteria set forth
22 in section 103(a), including the impact of the plan on the
23 ability of communities of color to elect candidates of
24 choice, measures of partisan fairness using multiple ac-

1 cepted methodologies, and the degree to which the plan
 2 preserves or divides communities of interest.

3 (e) DEADLINE.—The independent redistricting com-
 4 mission of a State under this title shall approve a final
 5 redistricting plan for the State not later than February
 6 15, 2022.

7 **SEC. 524. ESTABLISHMENT OF RELATED ENTITIES.**

8 (a) ESTABLISHMENT OR DESIGNATION OF NON-
 9 PARTISAN AGENCY OF STATE LEGISLATURE.—

10 (1) IN GENERAL.—Each State shall establish a
 11 nonpartisan agency in the legislative branch of the
 12 State government to appoint the members of the
 13 independent redistricting commission for the State
 14 under this title in accordance with section 521.

15 (2) NONPARTISANSHIP DESCRIBED.—For pur-
 16 poses of this subsection, an agency shall be consid-
 17 ered to be nonpartisan if under law the agency—

18 (A) is required to provide services on a
 19 nonpartisan basis;

20 (B) is required to maintain impartiality;
 21 and

22 (C) is prohibited from advocating for the
 23 adoption or rejection of any legislative proposal.

24 (3) DESIGNATION OF EXISTING AGENCY.—At
 25 its option, a State may designate an existing agency

1 in the legislative branch of its government to appoint
 2 the members of the independent redistricting com-
 3 mission plan for the State under this Act, so long
 4 as the agency meets the requirements for non-
 5 partisanship under this subsection.

6 (4) TERMINATION OF AGENCY SPECIFICALLY
 7 ESTABLISHED FOR REDISTRICTING.—If a State does
 8 not designate an existing agency under paragraph
 9 (3) but instead establishes a new agency to serve as
 10 the nonpartisan agency under this section, the new
 11 agency shall terminate upon the enactment into law
 12 of the redistricting plan for the State.

13 (5) PRESERVATION OF RECORDS.—The State
 14 shall ensure that the records of the nonpartisan
 15 agency are retained in the appropriate State archive
 16 in such manner as may be necessary to enable the
 17 State to respond to any civil action brought with re-
 18 spect to congressional redistricting in the State.

19 (6) DEADLINE.—The State shall meet the re-
 20 quirements of this subsection not later than Sep-
 21 tember 1, 2021.

22 (b) ESTABLISHMENT OF SELECT COMMITTEE ON RE-
 23 DISTRICTING.—

24 (1) IN GENERAL.—Each State shall appoint a
 25 Select Committee on Redistricting to approve or dis-

1 approve a selection pool developed by the inde-
2 pendent redistricting commission for the State under
3 this title under section 522.

4 (2) APPOINTMENT.—The Select Committee on
5 Redistricting for a State under this subsection shall
6 consist of the following members:

7 (A) One member of the upper house of the
8 State legislature, who shall be appointed by the
9 leader of the party with the greatest number of
10 seats in the upper house.

11 (B) One member of the upper house of the
12 State legislature, who shall be appointed by the
13 leader of the party with the second greatest
14 number of seats in the upper house.

15 (C) One member of the lower house of the
16 State legislature, who shall be appointed by the
17 leader of the party with the greatest number of
18 seats in the lower house.

19 (D) One member of the lower house of the
20 State legislature, who shall be appointed by the
21 leader of the party with the second greatest
22 number of seats in the lower house.

23 (3) SPECIAL RULE FOR STATES WITH UNICAM-
24 ERAL LEGISLATURE.—In the case of a State with a
25 unicameral legislature, the Select Committee on Re-

1 districting for the State under this subsection shall
2 consist of the following members:

3 (A) Two members of the State legislature
4 appointed by the chair of the political party of
5 the State whose candidate received the highest
6 percentage of votes in the most recent State-
7 wide election for Federal office held in the
8 State.

9 (B) Two members of the State legislature
10 appointed by the chair of the political party
11 whose candidate received the second highest
12 percentage of votes in the most recent State-
13 wide election for Federal office held in the
14 State.

15 (4) DEADLINE.—The State shall meet the re-
16 quirements of this subsection not later than Sep-
17 tember 15, 2021.

18 (5) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed to prohibit the leader
20 of any political party in a legislature from appoint-
21 ment to the Select Committee on Redistricting.

1 **SEC. 525. REPORT ON DIVERSITY OF MEMBERSHIPS OF**
2 **INDEPENDENT REDISTRICTING COMMIS-**
3 **SIONS.**

4 Not later than February 15, 2022, the Comptroller
5 General of the United States shall submit to Congress a
6 report on the extent to which the memberships of inde-
7 pendent redistricting commissions for States established
8 under this title with respect to the immediately preceding
9 year ending in the numeral zero meet the diversity require-
10 ments as provided for in sections 521(a)(2)(B) and
11 522(b)(2).

Calendar No. 119

117TH CONGRESS
1ST Session

S. 2670

A BILL

To provide for redistricting reform, and for other purposes.

August 7, 2021

Read the second time and placed on the calendar